

## **EXHIBIT A**

### **MINORITY AND WOMEN'S BUSINESS ENTERPRISE (MWBE) PARTICIPATION**

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#### A. General Statement

In accordance with the legislative findings and policies set forth in Chapter 39.19 RCW, Washington State Ferries (WSF) encourages participation in all of its Contracts by MWBE firms certified by the office of Minority and Women's Business Enterprises (OMWBE). Participation may be either on a direct basis in response to a solicitation/invitation, or as a subcontractor to a Bidder/Proposer. No preference will be included in the evaluation of bids/proposals, no minimum level of MWBE participation shall be required as a condition for receiving an award, and bids/proposals will not be rejected or considered non-responsive on that basis.

#### B. Voluntary MWBE Goals

Voluntary numerical MWBE participation goals shall be established for all solicitation/invitations where applicable. These goals are voluntary, but achievement of the goals is encouraged. No preference will be included in the evaluation of bids/proposals, no minimum level of MWBE participation shall be required as a condition of award or completion of the Contract work, and bids/proposals will not be rejected or considered non-responsive on that basis. Bidders may contact OMWBE at 360-753-9693 to obtain information on certified firms.

#### C. Affirmative Efforts To Increase Participation By MWBEs

##### Voluntary Efforts

Bidders/Proposers/Contractors are encouraged to:

1. Advertise opportunities for subcontractors or suppliers in a manner reasonably designed to provide MWBEs capable of performing the work with timely notice of such opportunities and all advertisements should include a provision encouraging participation by MWBE firms. Advertising may be done through general advertisements (e.g., newspapers, journals, etc.) or by soliciting bids/proposals directly from MWBEs.

2. Provide MWBEs that express interest with adequate and timely information about plans, specifications, and requirements of the Contract. Break down total requirements into smaller tasks or quantities, where economically feasible, in order to permit maximum opportunity for participation by MWBEs and other small businesses.
3. Utilize the services of available minority community organizations, minority Contractor groups, local minority assistance offices and organizations that provide assistance in the recruitment and placement of MWBEs and other small businesses.
4. Establish delivery schedules, where requirements of the Contract permit, that encourage participation by MWBEs and other small businesses.

The actions described in this section should supplement efforts to provide information to all qualified firms, and nothing in this section is intended to prevent or discourage the Bidders/Proposers/Contractors from inviting proposals for participation from non-MWBE firms as well as MWBE firms.

#### **Non-discrimination**

Contractors, Bidders, and Proposers shall not create barriers to open and fair opportunities for all businesses, including MWBEs, to participate in all WSF Contracts and to obtain or compete for Contracts and subcontracts as sources of supplies, equipment, construction and services. In considering offers from and doing business with subcontractors and suppliers, the Contractor shall not discriminate on the basis of race, color, creed, religion, national origin, sex, age, nationality, marital status, or the presence of any mental or physical disability in an otherwise qualified disabled person.

The Contractor shall make the MWBE Participation General Statement cited previously in this provision a part of all subcontracts and agreements entered into as a result of this Contract.

1     **D.     Definitions**

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3     When referred to in this Contract, the terms Minority, Minority Business Enterprise  
4     (MBE), and Women's Business Enterprise (WBE) will be construed to have the  
5     following meanings:  
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- 7     1.     Minority means a person who is a citizen or lawful permanent resident of the  
8           United States and who is:  
9
- 10           a)     Black: having origins in any of the black racial groups of Africa;  
11
- 12           b)     Hispanic:   of Mexican, Puerto Rican, Cuban, Central or South  
13                   American, or other Spanish or Portuguese culture or origin, regardless  
14                   of race;  
15
- 16           c)     Asian American: having origins in any of the original peoples of the  
17                   Far East, Southeast Asia, the Indian subcontinent, or the Pacific  
18                   Islands; or  
19
- 20           d)     American Indian or Alaskan Native: having origins in any of the  
21                   original peoples of North America.  
22
- 23     2.     Minority Business Enterprise, Minority-owned Business Enterprise, or MBE  
24           means a business organized for profit, performing a commercially useful  
25           function, which is owned and controlled by one or more minority individuals  
26           or minority business enterprises. Owned and controlled means a business in  
27           which one (1) or more minorities or MBE's own at least fifty-one percent  
28           (51%), or in the case of a corporation at least fifty-one percent (51%) of the  
29           voting stock, and control at least fifty-one percent (51%) of the management  
30           and daily business operations of the business.  
31
- 32     3.     MWBE means a minority-owned business enterprise, a women-owned  
33           business enterprise, and/or a combination minority and women's business  
34           enterprise certified by the Office of Minority and Women's Business  
35           Enterprises (OMWBE) of the State of Washington.  
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- 37     4.     Women's Business Enterprise, Women-owned Business Enterprise, or WBE  
38           means a business organized for profit, performing a commercially useful  
39           function, which is owned and controlled by one or more women or women's  
40           business enterprises. Owned and controlled means a business in which one or  
41           more women or WBE's own at least fifty-one percent (51%) or in the case of a  
42           corporation at least fifty-one percent (51%) of the voting stock, and control at  
43           least fifty-one percent (51%) of the management and daily business operations  
44           of the business. The women owners must be United States citizens or lawful  
45           permanent residents.

1  
2 5. Minority/Women's Business Enterprise means a minority-owned business  
3 enterprise, a women-owned business enterprise; and/or a combination  
4 minority and women's business enterprise certified by the OMWBE of the  
5 State of Washington.  
6

7 **E. MBE / WBE Status**  
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9 A consolidated list of firms accepted as certified by OMWBE is available via the  
10 WSDOT Home Page, (WWW.WSDOT.WA.GOV), and a hard copy is available at  
11 nominal cost from the OMWBE.  
12

13 **F. MBE / WBE Goals**  
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15 WSF has established a voluntary goal in the amount of :  
16

17 **MWBE Goal: 0% of the Total Bid Price**  
18

19 The voluntary goal may be met by MBE, WBE or a combination of MBE/WBE  
20 participation.  
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22 **G. Further Information**  
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24 If further information is desired concerning Minority Business Enterprise/Women's  
25 Business Enterprise participation, inquiry may be directed to:  
26

27 External Civil Rights Branch  
28 Office of Equal Opportunity  
29 Washington State Department of Transportation  
30 Transportation Bldg., PO Box 47314  
31 Olympia, WA 98504-7314  
32 or telephone - (360) 705-7085  
33 Fax (360) 705-6801  
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